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Attorney for Debtor (s)

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

In Re	)	Case No. 19-23707-B-13C
	)	
Michael Mark Panopio &	)	D.C. No. D.C. No. RJ-001
	)	
Caroline Macaraeg Panopio,	)	Motion to Modify
	)	Chapter 13 Plan
	)	
	)	Date: May 19, 2020
	)	Time: 1:00 PM
	)	Place: Dept. "B", Ctrm 34
	)	501 I Street, 6 <sup>th</sup> Flr
	)	SACRAMENTO, CA

Debtor

Debtor herein, moves the court herein to modify her confirmed Chapter 13 plan so that it conforms to the 1st Modified Chapter 13 Plan, filed herewith.

This motion is made on the ground that:

A. The Plan is proposed in good faith.

B. The plan complies with 11 U.S.C. §1322.

C. The Exhibit in support of the motion provides a record of prior payments and disbursements.

D. The declaration of the debtor in support of the motion will constitute the evidence in support of this motion. It establishes facts that are incorporated in this motion and they

1 make the following statements:

2 1. We have made efforts in this case and so far we have paid  
3 the aggregate sum of \$13,500 to the trustee.

4 2. We fell behind largely because we had unexpected expenses and we had  
5 Christmas holiday expenses and we could not work the overtime that we wanted to work  
6 even during the holiday season.

7 3. The financial situation is stabilizing and now we are moving to modify the  
8 plan to conform to the 1st Modified Plan.

9 4. We sought bankruptcy relief on June 10th, 2019 under Chapter 13 because  
10 we fell behind on our obligations.

11 5. We can stay current on our monthly trustee payments to comply with the  
12 proposed plan.

13 6. The 1st Modified Chapter 13 Plan complies with applicable law, including  
14 the provisions of Chapter 13 and other relevant provisions of the Bankruptcy Code. In  
15 particular, the proposed plan pays 0.0% to the unsecured creditors. The liquidation test  
16 would however allow a plan which pays nothing to the unsecured creditors. The best efforts  
17 test allows a plan which pays nothing to the unsecured creditors. The Means test allows a  
18 plan which pays nothing to unsecured creditors. We will be able to make the payments to  
19 the trustee under the proposed plan.

20 7. Any filing fees installments or charges required by the Court have already  
21 been paid.

22 8. We will comply with the plan and we have remitted  
23 the payments specified by the plan. We are paying all the  
24 disposable income to the trustee for the benefit of the  
25 creditors. Secondly, the proposed payments are all that we will be able to pay.  
26 Therefore the plan is our best effort.

27 9. Unsecured creditors will receive at least what they would receive in the  
28 event of a Chapter 7 liquidation. The proposed dividend is 0%. All of the assets are exempt.  
Schedules B and C filed at the inception of the case correctly portray the liquidation

1 scenario. Schedule C filed exempts all unencumbered property, fully. Upon liquidation of  
2 the estate under a Chapter 7 scenario, the Chapter 7 trustee would not find any unexempt  
3 property. The priority debts of approximately \$42,000 in income taxes provide an  
4 additional liquidation cushion.

5 10. All secured creditors provided for have either accepted the plan, or the  
6 plan proposes a surrender of the property securing their claims, or the plan provides to pay  
7 the creditors pursuant to section 1325(a)(5)(B).

8 11. We will be able to make the payments under the plan and comply with the  
9 plan.

10 12. We have no domestic support obligations .

11 13. We have filed all applicable tax returns that have become due for the last  
12 4 years.

13  
14  
15 Wherefore, Debtor pray that the motion be granted and  
16 the plan be modified to conform to the 1<sup>st</sup> Modified plan.  
17

18  
19 Respectfully submitted.

20 /s/ Richard Jare

21 March 10, 2020

22 Richard Jare, (SBN 109331)  
23 Attorney for Debtor  
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